

# McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Munich  
New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Strategic alliance with MWE China Law Offices (Shanghai)

RECEIVED  
CENTRAL FAX CENTER

SEP 09 2008

**FACSIMILE**

**Date:** September 9, 2008

**Time Sent:**

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Board of Appeals and Interfaces	USPTO	571-273-0299 and 571-273-8300	
<b>From:</b>	Robert H. Underwood	<i>Direct Phone:</i>	+1 617 535 4093
<i>E-Mail:</i>	runderwood@mwe.com	<i>Direct Fax:</i>	+1 617 535 3800
<i>Sent By:</i>	Kelly Ciarmataro	<i>Direct Phone:</i>	617-535-3906
<i>Client/Matter/Tkpr:</i>	009900-0021	<i>Original to Follow by Mail:</i>	No
		<i>Number of Pages, Including Cover:</i>	2

**Re:** Appeal No. 2008-2656

**Message:**

Please confirm receipt of this facsimile via return fax.

Thank you.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.**

Main Facsimile +1 617 535 3800 Facsimile Operator: +1 617 535 4000

U.S. practice conducted through McDermott Will & Emery LLP.  
28 State Street Boston, Massachusetts 02109-1775 Telephone: +1 617 535 4000

PAGE 1/2 \* RCVD AT 9/9/2008 3:02:30 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/26 \* DNIS:2738300 \* CSID:1 617 535 3800 \* DURATION (mm-ss):00:42

AUG-29-2008 FRI 11:01 AM HBSR

FAX NO. 1 978 341 0138

P. 03

Page 1

RECEIVED  
CENTRAL FAX CENTER

SEP 09 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

## Board of Patent Appeals and Interferences

HAMILTON, BROOK, SMITH &  
REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

Appeal No: 2008-2656  
Appellant: MICHAEL J. BRISKIN et al.  
Application No: 08/875,849  
Hearing Room: B  
Hearing Docket: A  
Hearing Date: Wednesday, October 22, 2008  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAT HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAT Mailing Address:

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

☒ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/patent/offices/alexandria/permissions/contact.htm#bpai\\_contacts](http://www.uspto.gov/patent/offices/alexandria/permissions/contact.htm#bpai_contacts)